

10-18-01

CPA 11/18/01  
PTO/SB/29 (10-00)  
1632  
#18  
10-24-01  
1.2.

Approved for filing through 10/31/2002. OMB 0651-0032  
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**CONTINUED PROSECUTION APPLICATION (CPA)**  
**REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable  
☒ DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	4123US
	First Named Inventor	Havenga
	Examiner Name	P. Brunovskis
	Group / Art Unit	1632
	Express Mail Label No.	EL 740547448 US

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OCT 22 2001  
TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/348,354  
filed on July 7, 1999, entitled CHIMAERIC ADENOVIRUSES.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on August 16, 2001 under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:  

a. <input type="checkbox"/> PTO-1449	10/19/2001 AUCWDAF1 00000140 09348354
b. <input type="checkbox"/> Copies of IDS Citations	01 FC:231 370.00 DP

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		<b>6</b> -20* =		x \$ ____ =	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		<b>3</b> -3** =		x \$ ____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$ ____ =	
				BASIC FEE (37 CFR 1.16)	<b>\$740.00</b>
Total of above Calculations =					
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					<b>\$370.00</b>
* <i>Reissue claims in excess of 20 and over original patent.</i>					
** <i>Reissue independent claims over original patent.</i>					
TOTAL =					<b>\$370.00</b>

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge any deficiency in the following fees to Deposit Account No. 20 - 1469
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 370 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. ☒ New Attorney Docket Number, if desired 4123.2US  
*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 12. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

 or ☐ New correspondence address below

Name	PATENT TRADEMARK OFFICE				
Address					
City		State		Zip Code	
Country		Telephone		Fax	

## 13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Allen G. Turner
Signature	
Registration No. (Attorney/Agent)	33,041
Date	October 17, 2001



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PATENT  
4123US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Havenga et al.

**Serial No.:** 09/348,354

**Filed:** 7 July 1999

**For:** CHIMERIC ADENOVIRUSES

**Examiner:** P. Brunovskis, Ph.D.

**Group Art Unit:** 1632

**Attorney Docket No.:** 4123US

NOTICE OF EXPRESS MAILING

Express Mail Label Number: EL740538066US

Date of Deposit with USPS: August 16, 2001

Person making Deposit: Jared Turner

AMENDMENT UNDER 37 C.F.R. § 1.116

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

The following amendments and remarks are filed responsive to the Final Office Action mailed 17 April 2001, the shortened statutory period for response to which expired on 18 June 2001. Enclosed herewith and incorporated herein by this reference is a petition under 37 C.F.R. § 1.136(a) for a one-month extension, including the requisite fee under 37 C.F.R. § 1.17(a). This Reply is filed within the extended period for response.

10/24/2001 PZIMMER 00000005 201469 09348354

01 FC:203	54.00 CH
02 FC:202	126.00 CH